

AN ORDINANCE amending the City of  
Fort Wayne Zoning Map No. R-11.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF  
FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a B3B District - General Business and M-1 District - Light Industrial under the terms of Chapter 33, Municipal Code of the City of Fort Wayne, Indiana, 1974; and the symbols of the City of Fort Wayne Zoning Map No. R-11, referred to therein, established by Section 33-11, of said Chapter are hereby changed accordingly, to-wit:

Rolling Green Addition, Lots #180 thru 184: and,

Part of the Southwest Quarter of Section Seventeen (17), Township Thirty (30) North, Range Thirteen (13) East, in Allen County, Indiana, in particular described as follows;

Commencing at the northwest corner of said quarter section as defined by the intersection of the centerline of the public roads, respectively known as the Hessen Cassell Road and the Moeller Road; thence east on the north line of said quarter section, as defined by the center line of said Moeller Road, a distance of Two Hundred and one-tenth (200.1') feet to a point situated Ninety-five (95') feet west of the northwest corner of the plat as recorded of Rolling Green Addition, in Plat Book 13, page 101 in the Office of the Recorder of said west line of said addition, by a deflection right of 89 degrees 22 minutes, a distance of Two Hundred Three and eight-tenths (203.8') feet; thence west ward by a deflection right of 91 degrees 13 minutes, a distance of Two Hundred and six-tenths (200.6') feet to the west line of said quarter section, as defined by the center line of the said Hessen Cassell Road; thence north by a deflection right of 88 degrees 56 minutes, a distance of Two Hundred Two and one-tenth (202.1') feet to the place of beginning; containing 0.9335 acres of land;

SUBJECT to public road upon and over the north Forty (40') feet thereof and upon and over the west Forty (40') feet thereof, occupied by the Moeller Road, or (Oxford Street) and the Hessen Cassell Road, respectively.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

BILL NO. Z-79-02-06

ZONING MAP ORDINANCE NO. Z-\_\_\_\_\_

AN ORDINANCE amending the City of  
Fort Wayne Zoning Map No. R-11.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF  
FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby  
designated a M-2 District - General Industrial under the terms of  
Chapter 33, Municipal Code of the City of Fort Wayne, Indiana,  
1974; and the symbols of the City of Fort Wayne Zoning Map No.  
R-11, referred to therein, established by Section 33-11, of said  
Chapter are hereby changed accordingly, to wit:

Rolling Green Addition, Lots #180 thru 184: and,

Part of the Southwest Quarter of Section Seventeen  
(17), Township Thirty (30) North, Range Thirteen  
(13) East, in Allen County, Indiana, in particular  
described as follows:

Commencing at the northwest corner of said quarter  
section as defined by the intersection of the  
center line of the public roads, respectively  
known as the Hessen Cassell Road and the Moeller  
Road; thence east on the north line of said quarter  
section, as defined by the center line of said  
Moeller Road, a distance of Two Hundred and one-  
tenth (200.1') feet to a point situated Ninety-five  
(95') feet west of the northwest corner of the plat  
as recorded of Rolling Green Addition, in Plat Book  
13, page 101 in the Office of the Recorder of said  
county; thence southward on a line parallel to the  
west line of said addition, by a deflection right  
of 89 degrees 22 minutes, a distance of Two Hundred  
Three and eight-tenths (203.8') feet; thence west-  
ward by a deflection right of 91 degrees 13 minutes,  
a distance of Two Hundred and six-tenths (200.6')  
feet to the west line of said quarter section, as  
defined by the center line of the said Hessen Cassel  
Road; thence north by a deflection right of 88  
degrees 56 minutes, a distance of Two Hundred Two  
and one-tenth (202.1') feet to the place of begin-  
ning; containing 0.9335 acres of land;

SUBJECT to public road upon and over the north  
Forty (40') feet thereof and upon and over the west  
Forty (40') feet thereof, occupied by the Moeller  
Road, or (Oxford Street) and the Hessen Cassell  
Road, respectively.

SECTION 2. That this Ordinance shall be in full force  
and effect from and after its passage, approval by the Mayor and  
legal publication thereof.

APPROVED AS TO FORM  
AND LEGALITY,

  
CITY ATTORNEY

  
Councilman

Read the first time in full and on motion by Nuckols, seconded by

H. Schmidt, and duly adopted, read the second time by title and referred to the Committee on Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

DATE: 2-13-79

Charles W. Westerman  
CITY CLERK

Read the third time in full and on motion by Nuckols,

seconded by Hinga, and duly adopted, placed on its passage.

~~PASSED~~ (LOST) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>1</u>	<u>8</u>	_____	_____	_____
<u>BURNS</u>	_____	<u>X</u>	_____	_____	_____
<u>HINGA</u>	_____	<u>X</u>	_____	_____	_____
<u>HUNTER</u>	_____	<u>X</u>	_____	_____	_____
<u>MOSES</u>	_____	<u>X</u>	_____	_____	_____
<u>NUCKOLS</u>	_____	<u>X</u>	_____	_____	_____
<u>SCHMIDT, D.</u>	<u>X</u>	_____	_____	_____	_____
<u>SCHMIDT, V.</u>	_____	<u>X</u>	_____	_____	_____
<u>STIER</u>	_____	<u>X</u>	_____	_____	_____
<u>TALARICO</u>	_____	<u>X</u>	_____	_____	_____

DATE: 7-10-79

Charles W. Westerman  
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as

(ZONING MAP) (GENERAL) (ANNEXATION) (SPECIAL) (APPROPRIATION) ORDINANCE

(RESOLUTION) No. \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

ATTEST: (SEAL)

CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the \_\_\_\_\_

day of \_\_\_\_\_, 19\_\_\_\_, at the hour of \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

CITY CLERK

Approved and signed by me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

at the hour of \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

MAYOR

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on February 13, 1979, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-79-02-06; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on April 16, 1979;

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that such proposed ordinance BE AMENDED THAT LOTS 180 THRU 184 BE PERFECTED FROM M2 TO B3B AND THE BALANCE OF THE PROPERTY WOULD BE PERFECTED FROM M2 TO M1, WITH A DO PASS, for the reasons that a need has been shown for the Land Use Plan to be amended, the amendment will be in the best interest of and benefit to the City, and the amendment will not be detrimental to and does not conflict with the overall city plan;

BE IT FURTHER RESOLVED that the secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held April 23, 1979.

Certified and signed this  
19th day of June, 1979.



---

Thomas Adams  
Secretary

*Heck*  
*2nd*  
*7/10/79*

Bill No. Z-79-02-06 (AS AMENDED)

REPORT OF THE COMMITTEE ON REGULATIONS

We, your Committee on Regulations to whom was referred an Ordinance  
amending the City of Fort Wayne Zoning Map No. R-11

have had said Ordinance under consideration and beg leave to report back to the Common  
Council that said Ordinance Do Not PASS.

JOHN NUCKOLS - CHAIRMAN

SAMUEL J. TALARICO - VICE CHAIRMAN

VIVIAN G. SCHMIDT

JAMES S. STIER

WILLIAM T. HINGA

*John Nuckols*  
*Samuel J. Talarico*  
*Vivian G. Schmidt*  
*James S. Stier*  
*William T. Hinga*

7-10-79 CONCURRENTLY  
DATE \_\_\_\_\_ CHARLES W. WESTERMAN, CITY CLERK

## RECEIPT

Date

1-16

19

79

No.

10696

Received From

Dennis Fitzgerald

Address

3515 Wayne Trace

For

fifty <sup>00</sup>/<sub>100</sub> Dollars \$ 50.00  
evening - B1B + R1 to M2

ACCOUNT

HOW PAID

AMT. OF  
ACCOUNT

CASH

AMT. PAID

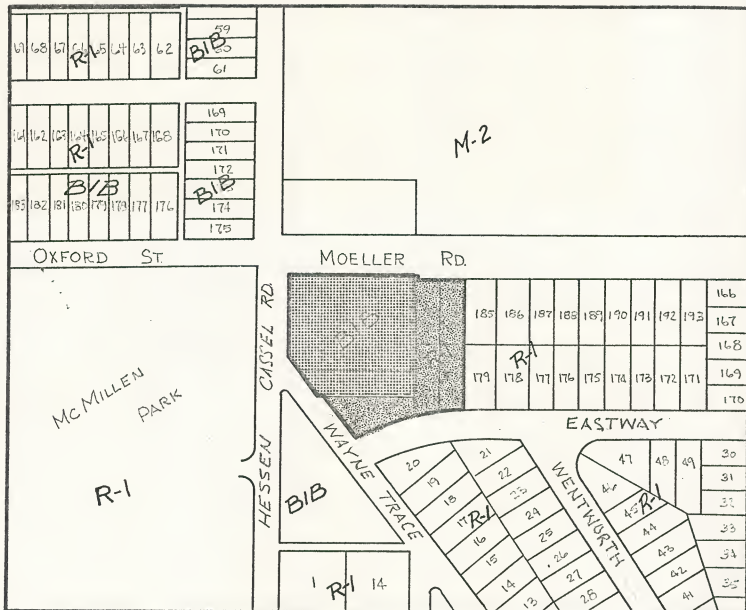
CHECK

BALANCE  
DUEMONEY  
ORDER

By

DAB

Check #  
7656



— CHANGE FROM R-1/B-1-B TO M-2

AMENDED: 4/23/79



CHANGE FROM R-1 to B-3-B



CHANGE FROM B-1-B to M-1



Z-79-02-06

TO: COMMON COUNCIL OF THE  
CITY OF FORT WAYNE, INDIANA

Date Filed \_\_\_\_\_

Intended Use \_\_\_\_\_

I/We Welder Services Inc 3515 Wayne Trace  
(Applicant's Name or Names)do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne, Indiana,  
by reclassifying from a/an D1B - R1 district to a/an M-2 district the  
property described as follows:~~Rolling Green Lot 180~~~~Rolling Green Lot 181~~~~Rolling Green Lot 183~~~~Rolling Green Lot 184~~~~Rolling Green Lot 182 - (3519 Wayne trace)~~~~95 ft x 18 RD NW Cor SW 1/4 EX Road - (3515 Wayne Trace)~~~~E 950 ft W 297 of N 202 ft NW 1/4 SW 1/4 Sec 17 - (3106 Oxford)~~~~18x18 RD NW Cor SW 1/4 EX E-950 ft W 297 of N 102 ft Sec 17~~

(Legal Description)

See Attached Legal

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum  
(51%) or more of the property described in this petition.

Jesse E. Closson, 313 E. 25th St., Riviera Beach, Fla

X Mildred M. Closson, 313 E. 25th St., Riviera Beach, Fla

(Name)

(Address)

(Signature)

Legal Description Checked By: \_\_\_\_\_

(City Engineer)

## NOTE FOLLOWING RULES:

All requests for continuances or requests that ordinances be taken under advisement shall be filed in writing in the office of the City Plan Commission by noon on the Wednesday preceding the meeting of the City Plan Commission at which the ordinance is to be considered. If the request for a continuance or advisement is filed within the required time, the matter will not be put on the agenda for that meeting. It shall be the obligation of the petitioner to notify the same property owners which the Plan Commission had notified by mail that the hearing has been postponed or rescheduled and inform them of the time and place of the meeting at which the ordinance will be considered. All withdrawals of the ordinances must be made in writing prior to the Plan Commission's vote on the ordinance.

Name and address of preparer, attorney or agent:

Dennis Litzenberg

(Name)

3515 Wayne trace

(Address)

447-5551 office  
485-2041 home

(Telephone Number)



Rolling Green Addition, Lots #180 thru 184: and,

Part of the Southwest Quarter of Section Seventeen (17), Township Thirty (30) North, Range Thirteen (13) East, in Allen County, Indiana, in particular described as follows:

Commencing at the northwest corner of said quarter section as defined by the intersection of the center line of the public roads, respectively known as the Hessen Cassell Road and the Moeller Road; thence east on the north line of said quarter section, as defined by the center line of said Moeller Road, a distance of Two Hundred and one-tenth (200.1') feet to a point situated Ninety-five (95') feet west of the northwest corner of the plat as recorded of Rolling Green Addition, in Plat Book 13, page 101 in the Office of the Recorder of said county; thence southward on a line parallel to the west line of said addition, by a deflection right of 89 degrees 22 minutes, a distance of Two Hundred Three and eight-tenths (203.8') feet; thence westward by a deflection right of 91 degrees 13 minutes, a distance of Two Hundred and six-tenths (200.6') feet to the west line of said quarter section, as defined by the center line of the said Hessen Cassel Road; thence north by a deflection right of 88 degrees 56 minutes, a distance of Two Hundred Two and one-tenth (202.1') feet to the place of beginning; containing 0.9335 acres of land;

SUBJECT to public road upon and over the north Forty (40') feet thereof and upon and over the west Forty (40') feet thereof, occupied by the Moeller Road, or (Oxford Street) and the Hessen Cassell Road, respectively.

CONDITIONS AND RESTRICTIONS

The undersigned being owners, contract purchasers, and petitioners of the following described real estate, to wit:

257 feet, thence Southerly parallel with the West line of said Southwest Quarter 95 feet, thence Westerly parallel with the North line of said Southwest Quarter 196.1 feet to the Easterly Right of Way line of Wayne Trace, thence Northwesterly along said Right of Way line 99.7 feet to the East Right of Way line of Hessen Cassel Road, thence Northerly parallel with the West line of said Southwest Quarter 16.1 feet to the point of beginning and containing 0.505 acres.

And Lots 180, 181, 182, 183, and 184 Rolling Green Addition;

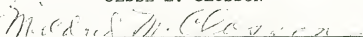
in consideration of the passage and enactment of Bill No. Z-79-02-6 hereby agree to the following conditions and restrictions in favor of the City of Fort Wayne:

- a. The east and South line of Lots 180 thru 184 shall be buffered with a landscape or opaque fence at a height of 6' and that the buffering must be consistent.
- b. The access to this property shall be restricted to Moeller Road at a point determined by the City Traffic Engineer.

These conditions and restrictions shall run with the land and inure to and be binding upon the successors in title of the respective parties.

WITNESS our hands this 30 day of May, 1979.

  
JESSE E. CLOSSON

  
MILDRED M. CLOSSON

Husband and Wife, Owners

  
DENNIS W. LITZENBERG

Contract Purchaser and Petitioner

  
DANIEL T. MULHERN

Contract Purchaser and Petitioner

STATE OF INDIANA )  
                          ) SS:  
COUNTY OF ALLEN )

Acknowledged before me, a Notary Public in and for said County and State, by Jesse E. Closson and Mildred M. Closson, as

and for their voluntary act and deed. Witness my hand and  
notarial seal this 30 day of May, 1979. Resident of  
Porter & Patch County, Indiana. Notary

William T. Littenberg  
Notary Public

My Commission Expires:

Notary Public, State of Florida at Large  
My Commission Expires Sept. 14, 1979

~~STATE OF INDIANA~~  
STATE OF INDIANA )  
                          ) SS:  
COUNTY OF ALLEN )

Acknowledged before me, a Notary Public in and for said  
County and State, by Dennis W. Littenberg, as and for his voluntary  
act and deed. Witness my hand and notarial seal this 31 day of  
May, 1979. Resident of Allen County, Indiana.

Kathleen M. Offutt  
Notary Public

My Commission Expires:

5/6/83

STATE OF INDIANA )  
                          ) SS:  
COUNTY OF ALLEN )

Acknowledged before me, a Notary Public in and for said  
County and State, by Daniel T. Mulhern, as and for his voluntary  
act and deed. Witness my hand and notarial seal this 31 day of  
May, 1979. Resident of Allen County, Indiana.

Kathleen M. Offutt  
Notary Public

My Commission Expires:

5/6/83

This instrument prepared by Paul B. McNellis, Attorney at Law,  
2100 Fort Wayne National Bank Building, Fort Wayne, Indiana, 46802.



## THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

city plan commission

19 June 1979

Members of the Common Council  
City-County Building  
One Main Street  
Fort Wayne, IN 46802

Gentlemen and Mrs. Schmidt:

Attached hereto is a resolution pertaining to a zoning ordinance amendment acted upon by the City Plan Commission at their meeting held April 23, 1979. In addition to the reasons outlined in the resolution, the following are additional remarks pertaining to the ordinance.

1. BILL NO. Z-79-02-06
2. From R1 & B1B to M2
3. Intended Use: Expand on Illegal Non-Conforming Use
4. Plan Commission Recommendation: DO PASS as PERFECTED AND WITH CONDITIONS

PERFECTION: Lots 180 thru 184 be perfected from M-2 to B-3-B and the balance of the property would be perfected from M-2 to M-1.


- CONDITIONS:
- a. The east and south line of Lots 180 thru 184 shall be buffered with a landscape or opaque fence at a height of 6' and that the buffering must be consistent.
  - b. The access to this property shall be restricted to Moeller Road at a point determined by the City Traffic Engineer.

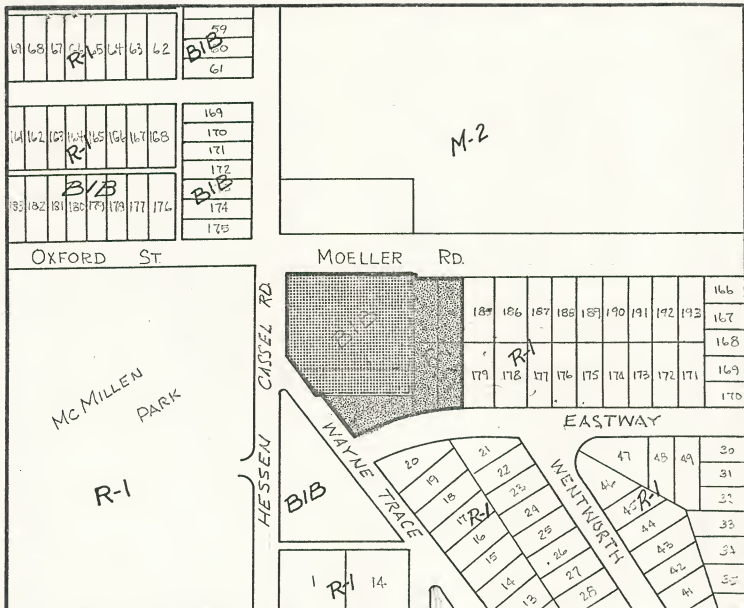
NOTE: Conditions and Restrictions have been agreed to by the petitioner and a copy of the agreement is attached to the ordinance.

If there are any questions with regard to this ordinance please feel free to call on us.

Respectfully submitted,

CITY PLAN COMMISSION

*Gary F. Baeten*   
Gary F. Baeten, Senior Planner



— CHANGE FROM R-1-B TO M-1

AMENDED: 4/23/79



CHANGE FROM R-1 to B-3-B



CHANGE FROM B-1-B to M-1



Z-79-02-06

43ff.

DIGEST SHEET

Admn. Appr. \_\_\_\_\_

TITLE OF ORDINANCE Zoning Ordinance Amendment (AMENDED) Z-79-02-06

DEPARTMENT REQUESTING ORDINANCE Long Range Planning & Zoning - CD&P

SYNOPSIS OF ORDINANCE A parcel of ground located on the Southeast  
corner of Moeller Road and Hessen Cassel Road, bounded on the  
South by Eastway Drive and on the East by Lots 185 and 179 in Rolling  
Green Addition.

EFFECT OF PASSAGE Property is now zoned R-1 - Single Family Residential  
and B-1-B - Limited Business. Property will become B-3-B - General  
Business and M-1 - Light Industrial.

EFFECT OF NON-PASSAGE Property will remain R-1 - Single Family  
Residential and B-1-B - Limited Business.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) \_\_\_\_\_

ASSIGNED TO COMMITTEE (J.N.) \_\_\_\_\_

4377

Admn. Appr. \_\_\_\_\_

DIGEST SHEET

TITLE OF ORDINANCE Zoning Ordinance Amendment 3-79-02-06

DEPARTMENT REQUESTING ORDINANCE Long Range Planning & Zoning - CD&P

SYNOPSIS OF ORDINANCE A parcel of ground located on the Southeast corner  
of Moeller Road and Hessen Cassel Road, bounded on the South by  
Eastway Drive and on the East by Lots 185 and 179 in Rolling  
Green Addition.

EFFECT OF PASSAGE Property is now zoned R-1 District - One Family  
Residential and B-1-B District - Limited Business. Property  
will become M-2 District - General Industrial.

EFFECT OF NON-PASSAGE Property will remain R-1 District - One Family  
Residential and B-1-B District - Limited Business.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) \_\_\_\_\_

(ASSIGN TO COMMITTEE (J.N.)) \_\_\_\_\_